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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,282	06/05/2006	Kazuhisa Tsuchiya	450100-05087	1984
7590 12/29/2008				
William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			EXAMINER	
BLACK, LINH				
ART UNIT		PAPER NUMBER		
2169				
MAIL DATE		DELIVERY MODE		
12/29/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/552,282

**Applicant(s)**

TSUCHIYA ET AL.

**Examiner**

LINH BLACK

**Art Unit**

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This communication is responsive to the application filed 9/25/08. Claims 1-12 are pending in the application. Claims 1, 6, 8-12 are independent claims.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsumagari et al. (2002/0181938).

As per claims 1, 8, 10-11, Tsumagari et al. teach detecting an identification data item for identifying a predetermined data item from a target data having a plurality of module/pack data respectively including said predetermined data item and said identification data item, the plurality of module data and data included in the module data all being KLV/pack (key, length, data item V) data – pars. 11, 135, 301-302, 543, 545, 549.

signaling to a data-using entity of the predetermined data that said identification data item has been detected – pars. 63, 68, 303, 578.

As per claim 2, Tsumagari et al. teach  
in response to a request from said data-using entity, supplying said data-using entity with said predetermined data item from within said module data and said identification data item having been detected in said first routine – pars. 68, 303, 578.

As per claim 3, Tsumagari et al. teach  
wherein said second routine signals to said data-using entity only if the identification data item designated beforehand by said data-using entity has been detected in said first routine – pars. 57, 288.

As per claim 4, Tsumagari et al. teach  
based on said identification data item, gives said data-using entity the signal designating an attribute of the module data formed by said detected identification data item – pars. 395-403.

As per claim 5, Tsumagari et al. teach

wherein said identification data item is detected from said target data, said target data comprising: first module data including content data as said predetermined data item – pars. 157-159, 190, 315.

and second module data including attribute data of said content data as said predetermined data item – pars. 57, 288, 395.

As per claims 6, 9, 12, Tsumagari et al. teach

requesting a predetermined data item from a data provider providing said predetermined data item – pars. 124, 405.

receiving said predetermined data item from said data provider in response to the request – pars. 63, 303, 386, 578.

generating module data including said predetermined data item received in said second routine and an identification data item for identifying said predetermined data item, the plurality of module data and data included in the module data all being KLV data (key, length, data item V) – pars. 11, 135, 301-302, 543 (pack header, pack stuffing length, data), 545, 549.

generating data having a plurality of said module data generated in said third routine – pars. 303 (generating results and displaying to users), 349.

As per claim 7, Tsumagari et al. teach

receiving attribute data indicating an attribute of content data – pars. 288-289, 532.

generating first module data including said attribute data... as said predetermined data item – pars. 440-441, 495.

wherein said first routine requests said content data from said data provider; receives said content data from said data provider in response to said request – pars. 124, 157-158, 543.

generates second module data including said content data, which is received in said second routine, as said predetermined data item – pars. 138-142, 380.

generates data having said first module data generated in said sixth routine and of said second module data generated in said third routine – pars. 138-142, 366.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2169

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LINH BLACK/  
Examiner  
Art Unit 2169

/HUNG Q. PHAM/  
Primary Examiner, Art Unit 2169